

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)
Plaintiff,)
NO. CR-11-0006-WFN-1
-vs-)
ORDER
SCOTT J. MARTIN,)
Defendant.)

Pending before the Court are Defendant's Motions for Writ of Habeas Corpus Ad Prosequendum (ECF No. 9), for Bill of Particulars (ECF No. 12), to Compel Grand Jury Transcripts (ECF No. 15), and to Dismiss (ECF No. 18). The Government filed a response to the first Motion which argues that transfer to Federal custody at this time would be premature. The Defendant is currently in state custody in the pretrial phase of his case there. The Government has filed a retainer. The Court agrees with the Government. Transfer to Federal custody prior to resolution of the state matter is premature. The Court has reviewed the file and Motions and is fully informed. Accordingly,

IT IS ORDERED that:

1. Defendant's Motion for Writ of Habeas Corpus Ad Prosequendum , filed July 20, 2011 ECF No. 9 is DENIED

24 2. Defendant's Motions for Bill of Particulars (**ECF No. 12**), to Compel Grand Jury
25 Transcripts (**ECF No. 15**), and to Dismiss (**ECF No. 18**), all filed on July 20, 2011, are
26 **RESERVED** until Defendant is transferred into Federal custody.

1 3. Defense counsel shall re-note the reserved Motions for hearing once the first
2 pretrial conference and motion hearing has been set.

3 The District Court Executive is directed to file this Order and provide copies to
4 counsel.

5 **DATED** this 4th day of August, 2011.

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7 07-28-11

s/ Wm. Fremming Nielsen
WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE